



U.S. Department of Justice

Immigration and Naturalization Service

OFFICE OF ADMINISTRATIVE APPEALS  
425 Eye Street N.W.  
ULLB, 3rd Floor  
Washington, D.C. 20536

File: [REDACTED] Office: Nebraska Service Center

Date: MAR - 9 2000

IN RE: Petitioner: [REDACTED]  
Beneficiary: [REDACTED]

Petition: Petition for Alien Fiance(e) Pursuant to Section 101(a)(15)(K) of the Immigration and Nationality Act, 8 U.S.C. 1101(a)(15)(K)

**Public Copy**

IN BEHALF OF PETITIONER: Self-represented

**INSTRUCTIONS:**

This is the decision in your case. All documents have been returned to the office which originally decided your case. Any further inquiry must be made to that office.

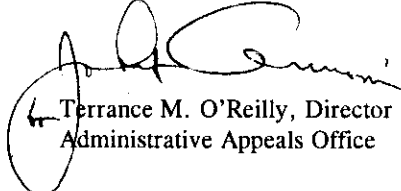
If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. 103.5(a)(1)(i).

If you have new or additional information which you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Service where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. Id.

Any motion must be filed with the office which originally decided your case along with a fee of \$110 as required under 8 C.F.R. 103.7.

FOR THE ASSOCIATE COMMISSIONER,  
EXAMINATIONS

Identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy

  
Terrance M. O'Reilly, Director  
Administrative Appeals Office

**DISCUSSION:** The nonimmigrant visa petition was denied by the Director, Nebraska Service Center, and is now before the Associate Commissioner for Examinations on appeal. The appeal will be dismissed.

The petitioner is a citizen of the United States. The beneficiary is a native and citizen of [REDACTED]. The director determined that the petitioner had not established that she and the beneficiary personally met within two years prior to the petition's filing date.

On appeal, the petitioner states that she belongs to a specific [REDACTED] which enjoins strict regulations upon its members regarding marriage and pre-marital relations preceding marriage. The petitioner also states that it is not customary or favorable for the bride and groom to meet each other before marriage. Additional evidence has been submitted with the appeal.

Section 101(a)(15)(K) of the Immigration and Nationality Act (the Act), 8 U.S.C. 1101(a)(15)(K), defines "fiancee" as:

An alien who is the fiancee or fiance of a citizen of the United States and who seeks to enter the United States solely to conclude a valid marriage with the petitioner within ninety days after entry....

Section 214(d) of the Act, 8 U.S.C. 1184(d) states in pertinent part that a fiancee petition:

shall be approved only after satisfactory evidence is submitted by the petitioner to establish that the parties have previously met in person within two years before the date of filing the petition, have a bonafide intention to marry, and are legally able and actually willing to conclude a valid marriage in the United States within a period of ninety days after the alien's arrival...

The petition was filed with the Service on February 5, 1999. Therefore, the petitioner and the beneficiary must have met in person between February 6, 1997 and February 5, 1999.

The Petition for Alien Fiance(e) (Form I-129F) indicates that the petitioner and beneficiary have not personally met. Since the petitioner had not met the beneficiary in person within two years of the petition's filing date, the director denied the petition.

Absent a personal meeting, the Attorney General may waive the requirement that the parties have previously met. According to the regulation at 8 C.F.R. 214.2(k)(2), the director may exempt the petitioner from this requirement only if it is established that compliance would:

- (1) Result in extreme hardship to the petitioner; or
- (2) Violate strict and long-established customs of the beneficiary's foreign culture or social practice....

The petitioner states that it is not customary or favorable for the bride and groom to meet each other before marriage. However, in a letter dated May 5, 1999, signed by the minister/imam of the [REDACTED] it states that "Islam discourages pre-marital courtship and contact beyond brief chaperoned meetings to glimpse each other and to determine compatibility." Therefore, a chaperoned meeting between the bride and the groom is not strictly forbidden.

The Service solicited an opinion from the Library of Congress regarding engagement for marriage among Muslims in Pakistan. The information provided by the Library of Congress indicates that:

...the engagement or betrothal, though it exists in the Indian sub-continent, does not create a legally binding contract for either side. It is merely a promise. An action for breach of the promise, therefore, cannot lie under the Mahommedan law. We are not aware of any writer on Islamic law who has stated that the parties who are engaged to be married are prohibited from seeing or meeting each other. For the stated reasons, neither the Islamic personal law nor the state statutory law has made any provision dealing with the subject....

The burden of proof in these proceedings rests solely with the petitioner. Section 291 of the Act, 8 U.S.C. 1361. The petitioner has not met that burden.

**ORDER:** The appeal is dismissed.